



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kazuki Yokota

Serial No.: 09/627,456

Group Art Unit: 2851

Filed: July 27, 2000

Examiner: Cruz, Magda

For: OVERLAY MARK, METHOD OF MEASURING OVERLAY ACCURACY,
METHOD OF MAKING ALIGNMENT AND SEMICONDUCTOR DEVICE
THEREWITH

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

RESPONSE

Sir:

In response to the Office Action dated **October 30, 2003**, Applicant provides the following remarks.

Claims 1-27, all the claims presently pending in the application, stand rejected on prior art grounds. Claims 1 and 22-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chen, et al. (U.S. Patent No. 6,218,200 B1). Claims 2-21 and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen, et al. in view of Minami, et al. (U.S. Patent No. 6,368,980 B1). Claims 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen, et al. in view of Minami, et al. and further in view of Kamuro (U.S. Patent No. 6,316,328 B1).

While Applicant submits the prior art of record clearly fails to teach or suggest the claimed invention for the reasons of record, as previously indicated in Applicant's Amendment of July 17, 2003, both Chen, el. and Minami, el. can be removed by filing a verified translation of the priority document since the underlying priority document, i.e., the Japanese Foreign Application, No. 213720/1999, has a filing date of July 28, 1999, whereas

Serial No.09/637,456
Docket No. WAK.059

2

Chen, el. ("Chen") and Minami, el. ("Minami") have an effective date for prior art purposes of July 14, 2000, and December 13, 1999, respectively. Accordingly, to speed prosecution, Applicant encloses herewith a verified translation of the priority document in order to remove Chen and Minami as prior art references.

In view of the foregoing, Applicant submits that claims 1-27, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.